

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

NIHAL ERKAN on behalf of himself  
and all others similarly situated,

Plaintiffs,

-against-

THE SMILIST MANAGEMENT, INC.

Defendant.

Case No. 1:23-cv-8265

**NOTICE OF VOLUNTARY  
DISMISSAL  
WITHOUT PREJUDICE**

**PLEASE TAKE NOTICE**, that the above-entitled action against all Defendants shall be and hereby is dismissed pursuant to F.R.C.P. Rule 41(a)(1)(A)(i) without prejudice; without costs, or disbursements, or attorneys' fees to any party.

Dated: Hicksville, New York  
February 20, 2024

Respectfully Submitted,

**/s/ Mars Khaimov**

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*Attorney for Plaintiff*